



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,646	11/18/1999	TOSHIHISA SARUTA	4947-0087-2	6214

7590

10/09/2002

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 10/09/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/442,646

Applicant(s)

SARUTA ET AL.

Examiner

Madeleine AV Nguyen

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-15 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 16-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-10, 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 9, 10-14, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Purcell et al (US Patent No. 6,227,643).

Concerning claim 10, Purcell discloses a printer (Figs.1, 2) to which an ink cartridge (40) having a storage unit (Figs.3-5) is detachably attached comprising a reading unit (52) for reading a piece of decision information in advance in a predetermined format, from the storage unit and a decision unit (52) identifying whether the read-out piece of decision information satisfies the predetermined format, so as to determined whether or not the storage unit is normal (Abstract; col. 4, line 56 – col. 5, line 6; col. 5, line 33 – col. 6, line 54; col. 8, lines 13-41; col. 9, line 26 – col. 10, line 35).

Concerning claims 11-14, Purcell further teaches the decision unit determines that the storage unit is not normal in the case the read-out piece of decision information does not satisfy the predetermined format; a display unit (56) that provides a display representing that the storage unit is not normal; a printing operation stop unit that discontinues a printing operation of the printer when the decision unit determines that the storage unit is not normal; a unit for causing the printer to perform a printing operation when the storage unit is determined normal (col. 5, line 33 – col. 6, line 54; col. 8, lines 13-41; col. 9, line 26 – col. 10, line 35).

Claims 1-4, 9 are method claims of apparatus claims 10-14. Claims 1-4, 9 are rejected as claims 10-14.

Concerning claims 19-20, Purcell discloses a storage unit included an ink cartridge (Fig.1) wherein the ink cartridge is configured to be detachably attached to a printer, comprising an address counter that outputs a count in response to a clock signal output from the printer; and a storage element that stores plural pieces of specific information including a piece of decision information registered in a predetermined format and that is sequentially accessed based on the count output from the address counter (col. 5, line 33 – col. 6, line 15; col. 6, lines 33-54; col. 8, lines 13-41; col. 9, line 26 – col. 10, line 35).

3. Claims 5, 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell.

Concerning claims 5, 14, Purcell further teaches that the piece of decision information relates to a data of manufacture. Purcell fails to specify that the date includes a month of manufacture. However, it was commonly known in the art that a date automatically includes a month. It would have been obvious to one skilled in the art as a matter of well known in the art

Art Unit: 2622

to consider the data of manufacture includes a month of manufacture since Purcell further teaches that any information relating to the ink cartridge can be stored in the memory in case the date of manufacture does not have a month.

Allowable Subject Matter

4. Claims 6-8, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's Statement of Reasons for Allowance: Claims 6-8, 16-18 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches a printer to which an ink cartridge having a storage unit is detachably attached comprising a piece of information relating of the month of manufacture of the ink cartridge is expressed by a data length of four bits and a decision unit determines that the storage unit is not normal in the case where all the four bits have an identical digit of either one of "0" and "1".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Wakabayashi et al (US Patent No. 5,410,641) discloses an intelligent cartridge for attachment to a printer to perform image processing tasks in a combination image processing system and method of image processing.

Art Unit: 2622

- b. Yamamoto (US Patent No. 5,786,828) teaches a detachable print unit having updatable condition memory and printer using the same.
 - c. Bullock et al (US Patent No. 5,835,817) teaches a replaceable part with integral memory for usage, calibration and other data.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



Madeleine AV Nguyen
Primary Examiner
Art Unit 2622

AV
October 3, 2002